

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

AUGUST 15, 2016

NORTH SMITHFIELD MIDDLE SCHOOL

6:45 P.M.

OPEN FORUM

Chemical Testing

School Committee member James Lombardi spoke about the five or six children living in the town who have contracted cancer over the past few years. He brought his concerns to the Superintendent of Schools who immediately contacted the state for recommendations on how the town might proceed with testing.

Building Official's Office

Claire O'Hara is concerned with the availability of the zoning official. Problems are not being addressed and she feels there is a need for a full-time officer.

Wind Turbines

Daniel Halloran read a letter in the newspaper regarding a proposed wind turbine ordinance. He had many questions including where would they be placed, how many, and would the aquifer zone be included in the ordinance.

Mr. Zwolenski will be asking the Ad Hoc Ordinance Review Committee to draft a comprehensive ordinance. He has received letters of concern from the City of Woonsocket because the proposed

wind turbine is near a watershed area. Mr. Zwolenski also noted that a Department of Environmental Management report indicates there is less wind the further inland you go.

REGULAR MEETING

The meeting began at 7:04 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Soly, Mr. Zwolenski and Mr. Boucher. Also in attendance was Town Solicitor Igliozi. Town Administrator Hamilton did not attend.

CONTRACT WITH THE MEDICAL EMERGENCY DISTRIBUTION SYSTEM (MEDS)

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to move this item up on the agenda.

The town's participation in the annual MEDS contract helps to strengthen capabilities to dispense critical medical countermeasures to the public during a public health emergency.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to approve the contract and authorize Town Council President Robert Boucher to sign on behalf of the Council.

TESTING OF CONTAMINANTS AND CHEMICAL PESTICIDES USED ON TOWN GROUNDS

MOTION by Mr. Soly, seconded by Ms. Alves and Mr. Zwolenski, and voted unanimously on a roll call vote to move this item up on the agenda.

Mr. Soly has been notified about several children who have been diagnosed with cancer, some of them a rare form. He would like to be sure the town is being proactive by using green chemicals instead of pesticides on the parks and fields and he would like to see water and soil testing done throughout all town facilities.

MOTION by Mr. Soly, seconded by Ms. Alves, Mr. Zwolenski, Mrs. Nadeau and Mr. Boucher, and voted unanimously on a roll call vote to look at the chemicals currently being used including any pesticides and insecticides. If they are not green chemicals, he would like to switch to that for our town grounds, athletic facilities and parks and also to do sample soil and water testing at all facilities. If a request for proposals is required, money should come from the contingency account. Results of all testing will be made public.

Ms. Alves asked Mr. Lombardi if he would include testing of water and air quality of the schools when he meets with the School Committee tomorrow evening.

Mr. Zwolenski suggested that all town water sources be inspected as well as a complete environmental study of all town-owned properties.

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MOTION by Mr. Zwolenski, seconded by Mr. Soly, Mrs. Nadeau, Ms. Alves and Mr. Boucher, and voted unanimously on a roll call vote that this process begin immediately and to have updates provided every thirty days.

MOTION by Mrs. Nadeau, seconded by Mr. Soly, Ms. Alves, Mr. Zwolenski and Mr. Boucher, and voted unanimously on a roll call vote that this item remain on every agenda.

ZONING ORDINANCE AMENDMENT SEC. 5.4.9 SERVICE INDUSTRIES
Ad Hoc Ordinance Review Committee Chairman Scott Lentz noted there is a change in the Use Table for Nos. 7 and 8. Number 7 would have allowed solar in every zone with a special use permit and No. 8 does not allow in any zone but LC (Light Commercial) and M (Manufacturing).

Mr. Gary Ezovski feels this is the wrong way for the community to go. He still feels a minimum lot size with a maximum coverage of thirty percent is preferable. Larger land owners will be able to generate opportunities to hold onto their land and contribute to energy needs at the same time.

Planning Board Chairman Dean Naylor commented that the Planning

Board was asked to evaluate the ordinance for consistency with the Comprehensive Plan. As it stood, it was not consistent. The Board was then asked what should happen to make the ordinance consistent. They recommended that it be permissible in every zone with a special use permit. Special use does not mean it can go everywhere. There are a lot of requirements to make it work.

Zoning Board and Ad Hoc Ordinance Review Committee member Robert Najarian stated that when the Council looks at the Use Table, they also need to look at the proposed ordinance. If a special permit is allowed for every district as recommended by the Planning Board, it's likely that the whole ordinance will have to be rewritten. It does not address land clearing or setbacks from boundary lines.

Mr. Lentz asked the Council to tell the Ad Hoc Committee what its intent is in regards to this ordinance.

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to continue the public hearings and second readings of the ordinances Sec. 5.4.9 Service Industries and Sec. 5.7 Ground-Mounted Solar Photovoltaic Installations to October 3, 2016 and to refer them back to the Ad Hoc Ordinance Review Committee for consideration of adjusting the Use Table to include review of setbacks, percentage of ground coverage and allowing business use in a residential zone. The motion included asking Mr. Julian Dash to weigh in.

ZONING ORDINANCE AMENDMENT SEC. 6.13 PARKING AND STORAGE OF CERTAIN VEHICLES

Mr. Soares felt that Section 6.13.2 should remain at five (5) tons gross vehicle weight. He had heard that a change to eight (8) tons was being considered.

Mr. Ezovski commented this is a solution looking for a problem. He hoped that common sense could prevail and leave enforcement to the discretion of the zoning officer.

There was discussion regarding gross combination vehicle weight versus gross vehicle weight.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to close the public hearing.

MOTION by Mr. Zwolenski and seconded by Mrs. Nadeau to adopt this ordinance as written by the Ad Hoc Ordinance Review Commission with the correction to Section 6.13.2 to read, “In any residence residential district,”.

MOTION by Mr. Soly, seconded by Ms. Alves, and voted unanimously on a roll call vote to amend Section 6.13.1 to read, “In any residential zoning district”.

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MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to amend Section 6.13.2 to read, “over five (5) tons gross vehicle weight.”

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, Mr. Soly, Ms. Alves and Mr. Zwolenski to approve the main motion as amended.

WIND TURBINE ORDINANCE AND ZONING USE TABLE

MOTION by Mr. Soly, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move this item up next on the agenda.

The Ad Hoc Ordinance Review Committee has drafted an ordinance, which although comprehensive, is not complete yet. Mr. Lentz questioned if the Town Council wanted to go through the whole process of creating this ordinance or just state that they will not be allowed in any district. There are many concerns such as the fall zone, the shadow flicker, ice falling off the blades, noise generation, emergency response requirements for a tower that is hundreds of feet tall and effects on the environment. There are already thirteen other communities in the state, many in the coastal area, that have adopted ordinances that do not allow wind turbines.

Mr. Zwolenski noted that a wind study prepared by the Department of Energy states there is not enough wind in northern Rhode Island. There are tremendous amounts of standards that would need to be

included in such an ordinance. Because of the exhaustive research done by the Ad Hoc Ordinance Review Committee, Mr. Zwolenski would be comfortable in approving an ordinance where the turbines are not allowed in any zoning district.

MOTION by Mr. Zwolenski and seconded by Mr. Boucher to submit the draft ordinance to the Planning Board for their determination of consistency with the Comprehensive Plan and to schedule a public hearing on September 19th.

This motion was later withdrawn.

During the meeting, the Ad Hoc Ordinance Review Commission, that was in session, voted unanimously to disallow wind turbines in all zoning districts.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, Mr. Soly, Mrs. Nadeau and Ms. Alves, and voted unanimously on a roll call vote that, based upon the recommendation of the Ad Hoc Ordinance Review Committee, the draft ordinance be referred to the Planning Board for determination of consistency with the existing Comprehensive Plan.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to schedule a public hearing and first reading of the wind ordinance for September 19, 2016.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to take the Ad Hoc Ordinance Review Committee's work and submit the draft ordinance as a public record.

CHANGING ZONING USE TABLES TO DISALLOW WIND TURBINES IN ALL DISTRICTS

MOTION by Mr. Soly, seconded by Mr. Boucher, and voted unanimously on a roll call vote to move this item up next on the agenda.

Attorney Maureen Souza, representing Conserve Our Unique Rural Town, Inc. (COURT), recommended joining with the thirteen other cities and towns and disallow wind turbine development in any zoning district. Doing so will limit the town's exposure to nuisance lawsuits and other damage suits.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to remand to the Planning Board for their determination of consistency the zoning ordinance which will prohibit all wind turbines throughout all districts in the town of North Smithfield.

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MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to schedule a public hearing and first reading for September 19, 2016.

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on a roll call vote to take a five-minute recess at 9:15 P.M.

The meeting resumed at 9:25 P.M.

ZONING ORDINANCE AMENDMENT SECTION 6.14 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT

There was discussion about the possibility of someone's home burning down and using a trailer on their property for living purposes. That trailer would not be considered recreational use.

MOTION by Mr. Zwolenski, seconded by Mr. Soly, and voted unanimously on a roll call vote to close the public hearing.

MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to consider this the second reading and to adopt the ordinance.

CONSENT AGENDA

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to remove the payment of bills.

MOTION by Mr. Boucher, seconded by Ms. Alves, and voted unanimously on a roll call vote to accept and place on file: 1.) Town Council minutes of June 13 and 20, 2016; 2.) Conservation Commission minutes of May 10 and July 12, 2016; 3.) NS Municipal Court monthly report for July 2016; 4.) NSPD monthly report for July 2016; 5.) NSF&RS Inc. monthly report for July 2016; 6.) Animal Control monthly report for July 2016; and 7.) Resolution Supporting “Hope Day: Birth of Our Nation” from the City of Newport.

PAYMENT OF BILLS

MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to approve payment of the following: General Fund - (2015/2016) - \$112,449.04 and (2016/2017) - \$285,611.52; Sewer - (2015/2016) - \$7,190.00; Library - \$34,995.75; School Department - \$1,553,518.62 and Fire Department - \$227,664.62 for a total of \$2,221,429.55 based upon a verbal okay of the Town Administrator and upon the advice of the Finance Director.

Mr. Zwolenski asked Mr. Parmelee if he could convey to Town Administrator Hamilton that he would like to have her recommendations regarding the bills provided to the Council on town letterhead.

MEETING ROOM FOR TOWN COUNCIL DURING RENOVATIONS

MOTION by Mrs. Nadeau, seconded by Mr. Soly, and voted

unanimously on an aye vote to move this item up on the agenda.

Town Clerk Debra Todd informed the Council that the Middle School has been made available for September Council meetings. The new Superintendent, Michael St. Jean, has offered the use of Halliwell School or the North Smithfield Elementary School for the months following, both at no cost to the town.

MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted unanimously on a roll call vote to schedule future meetings at Halliwell School.

AMENDMENT TO CONTRACT FOR NORTH SMITHFIELD FIRE & RESCUE SERVICES, INC.

Mr. Parmelee stated that the language is not yet fully verified by the Budget Committee Chair.

MOTION by Mrs. Nadeau, seconded by Mr. Soly, and voted unanimously on an aye vote to continue this item to September 6, 2016.

Mr. Zwolenski told Mr. Parmelee that he would like to have the Town Administrator at the next meeting to express her opinions about the contract.

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PUBLIC BUILDINGS IMPROVEMENT COMMISSION - MUNICIPAL BONDS

Mrs. Nadeau informed the Council members that abatement of asbestos and lead is scheduled for Kendall-Dean and they are getting ready to finalize the design.

APPOINTMENT TO CONSERVATION COMMISSION

MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to appoint Denis Chamberlain. He will be completing a three-year term that expires December 1, 2017.

ENVIRONMENTAL LAND USE RESTRICTIONS ON STAMINA MILL PROPERTY

Because the Council members felt they would like to have more information, no motion was made on this topic.

MOTION by Mr. Soly, seconded by Ms. Alves and Mrs. Nadeau, and voted unanimously on an aye vote to adjourn at 10:01 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk